

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAN TATE,)
)
Plaintiff,)
)
vs.) Case No. 4:05-CV-2402 AGF
)
ST. LOUIS CITY JUSTICE CENTER,)
et al.,)
)
Defendants.)

ORDER

This matter is before the Court upon review of the case file. Plaintiff has not submitted a form “Motion to Proceed In Forma Pauperis and Affidavit in Support -- Prisoner Cases” as required by 28 U.S.C. § 1915(a)(1) and this Court’s Local Rule 2.05(A). In addition, plaintiff, who is a prisoner, has failed to submit a certified copy of his inmate trust fund account statement for the six-month period immediately preceding the submission of his complaint as required by 28 U.S.C. § 1915(a)(2). As such, the Court is unable to determine plaintiff’s financial status.

Accordingly,

IT IS HEREBY ORDERED that within thirty (30) days from the date of this order, plaintiff shall either pay the \$250 filing fee or file a certified copy of his prison account statement for **the six month period immediately preceding the filing of his complaint on December 28, 2005**, and a “Motion to Proceed In Forma Pauperis and Affidavit in Support -- Prisoner Cases” within thirty (30) days from the date of this order.¹

¹When requesting a certified copy of his prison account statement, plaintiff is instructed to inform the Missouri Department of Corrections that the account statement must include all activity on his account during the six month period preceding the filing of his complaint on December 28, 2005.

IT IS FURTHER ORDERED that the Clerk shall forward, together with a copy of this order, a form "Motion to Proceed In Forma Pauperis and Affidavit in Support -- Prisoner Cases" to plaintiff to complete and return with his certified copy of his prison account statement if he wishes to move for pauper status.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this order, the Court shall effectuate dismissal of this action without prejudice. See Rule 41(b) of the Federal Rules of Civil Procedure.

Dated this 6th day of January, 2006.

Audrey G. Fleissig
UNITED STATES MAGISTRATE JUDGE